

***Remarks***

Applicants thank Examiner Kevin Harper for the courtesy of a personal interview held with Applicants' representatives, Michael Messinger and Lori Gordon, on April 30, 2004, regarding the present application.

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-26 and 28-32 are pending in the application, with claims 1, 7, 12, 15, 17, 18, 19, 20, 23, 24, 25, 28, 31, and 32 being the independent claims. Claim 27 is sought to be canceled without prejudice or disclaimer thereto. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Allowable Subject Matter***

Applicants acknowledge with appreciation the Examiner's indication that claims 1-14 and 23 are allowed and claims 20, 25, and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 20 and 25 have been rewritten to include the limitations of claims 19 and 24, respectively. Claim 26 depends from claim 25. Applicants therefore respectfully request that the Examiner reconsider and withdrawal the objection to claims 20, 25, and 26.

***Rejections under 35 U.S.C. § 103***

**Cruz and Murphy**

In the Office Action, claims 15-17, 19, 21-22, and 27-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cruz, *et al*, U.S. Patent Application 2002/00758590 (Cruz) and Murphy, *et al*, U.S. Patent 6,282,192 (Murphy). Applicants respectfully traverse this rejection.

Cruz describes a network-based method and system for utilizing Voice over Internet Protocol (VoIP) operations "to substitute for the allocation of voice trunks in a conventional telecommunications network during intersystem handoff" during a call between two devices made over a wireless connection. (Cruz, Abstract). In Cruz, when a determination is made that a handoff of a call from a first switch to a second (target) switch is required, the VoIP network is used to establish a new connection path between the origination and destination devices through the target switch. (Cruz, Abstract)

Murphy describes a network-based "call fallback scheme" in a packet switched network. In Murphy, when low quality of service is detected on an established VoIP call between two devices, the call is redirected over a circuit switched data link. A new connection path between the origination and destination devices is established over the circuit switched network. (Murphy, Abstract). Thus, in both Cruz and Murphy, a network device modifies the connection path between two independent devices on opposite ends of a call.

Neither Cruz nor Murphy teach or suggest "a system for noiselessly switching audio provided on an egress audio channel over a network" including "first and second internal audio sources" and "a switch coupled to said first and second internal audio

sources", as recited in amended independent claims 15, 17, and 19 or a method for "(A) establishing a VOIP call between an original device and a destination device; (B) selecting one audio source internal to the original device; (C) transmitting audio from the selected one audio source in an output stream of packets with synchronized header information to the destination device during the VOIP call; (D) selecting another audio source internal to the original device; (E) noiselessly switching from the one audio source to the another audio source; and (F) transmitting audio from the selected another audio source in the output stream of packets with synchronized header information to the destination device during the VOIP call", as recited in amended independent claim 28.

Furthermore, neither Cruz nor Murphy teach or suggest a system and method for "transmitting audio from a first internal independent audio source in an output stream of packets with synchronized header information during a VOIP call to a destination device", and "transmitting audio from a second internal independent audio source in the output audio stream of packets with synchronized header information during the VOIP call to a destination device, whereby a user at the destination device perceives a noiseless switch over between transmitted audio from independent audio sources", as recited in amended independent claims 31 and 32.

Applicants therefore respectfully submit that the combination of Cruz and Murphy fails to teach or suggest all the features of amended independent claims 15, 17, 19, 28, 31, and 32. For at least these reasons, and further in view of their own features, claims 16, 21, and 22 which depend from claim 15, and claims 29 and 30 which depend from claim 28 are patentable over Cruz and Murphy, alone or in combination. Claim 27 has been canceled by the above amendment. Reconsideration and withdrawal of the ground of rejection is therefore respectfully requested.

Cruz, Murphy, and Dutnall

In the Office Action, claims 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cruz in view of Murphy and Dutnall, U.S. Patent 6,584,098 (Dutnall). Applicants respectfully traverse this rejection.

In the rejection of claims 18 and 24, the Examiner states that "all the limitations have been addressed in the rejection of claims 15-16 except that the audio sources provide or have priority information."

Thus, as discussed above in reference to claims 15 and 16, neither Cruz nor Murphy teach or suggest "[a] system for noiselessly switching audio provided on an egress audio channel over a network, " including "first and second internal audio sources" and "a switch coupled to said first and second internal audio sources", as recited in amended independent claims 18. Furthermore, neither Cruz nor Murphy teach "[a] system for introducing noiseless switch over audio for voice over the Internet (VOIP) telephone calls" including "means for setting priority information for a first internal audio source and a second internal audio source; means for delivering first and second internal audio streams of egress packets that include the respective set priority information; means for determining a call status with respect to availability of receiving noiseless switch over audio; and means for processing a call event that includes an audio stream noiselessly switched between the first and second internal audio streams based on the set priority information when the call status determining step indicates the established VOIP telephone call is a candidate for receiving noiseless switch over audio", as recited in amended independent claim 24.

Dutnall does not overcome all of the deficiencies of Lin and Akram relative to amended claims 18 and 24 described above. Applicants therefore respectfully submit

that the combination of Cruz, Murphy, and Dutnall fails to teach or suggest all the features of amended independent claims 18 and 24. Reconsideration and withdrawal of the ground of rejection is therefore respectfully requested.

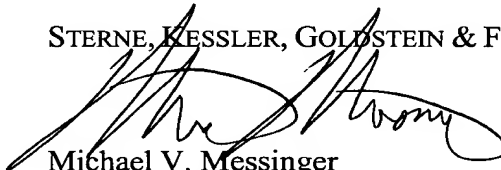
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael V. Messinger  
Attorney for Applicants  
Registration No. 37,575

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1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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